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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,145	09/08/2003	Shih-Sheng Yang	FP9752	1367
7590		06/17/2004	EXAMINER	
Shih-Sheng Yang		BRITTAIN, JAMES R		
PO Box 82-144		ART UNIT		
Taipei,		PAPER NUMBER		
TAIWAN		3677		

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,145

Applicant(s)

YANG, SHIH-SHENG

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☒ Claim(s) 1-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification Objections

The specification is objected to because it is written in non-idiomatic English, as though from a close to literal translation. Examples of improper usage are: "square measure" (first used page 4, line 11); "extruding pillar" (page 4, line 11 with numerous other uses); "which has a through in the center" (page 4, lines 17-18); "can ease a user to operate the buckle structure" (page 5, line 7); "cu-away" (page 6, line 6); "in clocking status" (page 6, line 7); "The for end of the rectangular is formed a round press button" (page 7, lines 5-6); and "The female buckle element 20 is provided according to the socket 14 combining with the male buckle element 10. (page 7, lines 14-15). These are but examples and the specification requires extensive revision. The use of the term "cylinder" (page 7, line 9 with other uses) to describe a funnel-shaped element 14 is misdescriptive because a funnel-shape is not cylindrical.

Claim Objections

Claims 1-7 are objected to because of the following informalities: The following terms lack clear antecedent basis: "the bottom of one end" (claim 1, line 4); "the top" (claim 1, line 4);

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“the other end” (claim 1, line 6); “the bottom” (claim 1, line 7); “the funnel-form tube” (claim 1, lines 7-8); “the sides” (claim 1, line 8; claim 7, line 2); “the bottom” (claim 1, line 9); “the top” (claim 3, line 3; claim 4, line 3); “the inner periphery” (claim 4, line 2); “the hole” (claim 4, line 2 since there are two holes defined in claim 1); and “the hollow cylinder” (claim 5, lines 1-2).

The limitation “a male buckle element, which in form of a rectangular tongue,” (claim 1, line 2) is written in non-idiomatic English. The use of “a cover” (claim 1, lines 9-10) can be viewed as a double inclusion and it is suggested that “first” and “second” be used to distinguish between the covers. The remaining claims are objected to because they depend from an objected to claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 attempts to claim unnamed trademarks. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or

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trade name. In the present case, the trademark/trade name is used to identify/describe an unknown property and, accordingly, the identification/description is indefinite.

It is suggested that applicant delete the term "trademark".

Allowable Subject Matter

Claims 1-5 and 7 are objected to for the reasons given above, but would be allowable if rewritten to overcome the above objections.

Claim 6 would be allowable if amended to overcome the rejection under 35 U.S.C. 112 identified above and if claim 1 is rewritten to overcome the above objections.

Conclusion

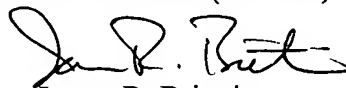
The patents of Chica (US 4378082, figure 5), Schiller (US 4608734, figure 2a), Boyn (US 4967451, figure 2), Fitzgerald (US 5178198, figure 3), Mixson (US 5441187, figure 4), and D'Alessandro (US 6273020, figure 2) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB